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Delaware River Basin Commission Hearings on  
Load Allocations to the Delaware Estuary

A series of hearings was held during December 1968 to consider objections to load allocation orders issued jointly by the DRBC and the States in June of this year. Testimony in support of the orders was given by E. V. Geismar of FWPCA, by R. Porges of DRBC, and by the State; counsel for the Commission was William Miller. Testimony on behalf of the objectors was on various grounds (see the following specific cases). The three-man hearing board is now considering this testimony and will report its recommendations to the Commission probably by the end of January 1969. Subsequently, the objectors have right of appeal to the Commission, or if still unsatisfied, the case may go to Federal District Court.

New Jersey Hearings, December 10 and 11, 1968

1. Texaco, Inc. - The company presented data from Roy Weston Associates relating to the construction of a plant for removal of 5-day BOD. The DRBC demonstrated that in terms of carbonaceous oxygen demand the allocation for the company was determined in the same way as for all dischargers along the estuary. Testimony for the DRBC was given by Edward Geismar and Albert Bromberg of FWPCA, and Dr. Robert Thomann of Manhattan College.
2. Mobil Oil Company - Withdrew objection
3. Ruberoid Company - Withdrew objection
4. Harshaw Chemical Co. - This was a small company at which no waste samples had been taken. The DRBC will probably recommend a sampling program to determine more reliable data on which to base their allocation.
5. Tenneco Chemicals - This was another small company not sampled by the FWPCA. The company had received prior consideration in informal discussions with the DRBC, and presented an objection based on the growth of their load due to production increases. The Commission testimony pointed out that rapid growth might be grounds for an increase in allocation, but that this would require a separate application by the company to the DRBC.



Delaware Hearings, December 13, 1968

1. Atlas Chemical Company - This company had carried out informal discussions with the DRBC and had received credit for in-plant waste control. They presented objections requesting further credit for a by-product that is currently stored, other in-plant waste controls, and credit for full plant capacity instead of average production levels. The DRBC testimony stated that credit for the by-product would have to be the subject of a separate application by the company to the DRBC. The Commission testimony also refuted certain of the in-plant controls, and stated that average production levels were used for all companies on the estuary in establishing equitable allocations.
2. Getty Oil Company - This company is one of the few which is presently providing treatment in excess of the requirements. They object to being included in the allocation system at all, because they claim that the effect of their waste is insignificant. Also, the company does not believe that their waste can be measured accurately for compliance, due to very high dilution. In testimony for the DRBC, Dr. Robert Thomann of Manhattan College pointed out that it is the cumulative effect of many discharges that causes pollution, so that no one could be omitted from the allocation system. It was also suggested that the company could choose a sampling point where its waste would not be so dilute.

Pennsylvania Hearings, December 16 and 17, 1968

1. City of Philadelphia - The City presented testimony which attempted to show that the mathematical models of the Delaware Estuary Study, upon which the load allocations are based, are not accurate enough for use in water pollution control. Water Commissioner Samuel Baxter and Dr. Joseph Mamelak (Chairman of Mathematics Dept., Community College), presented testimony for the city. DRBC testimony asserted that the model approach is a valid sanitary engineering technique which will provide reasonable estimates of the assimilative capacity of the estuary. Testimony for the Commission was given by Dr. Robert Thomann and Professor Donald O'Connor of Manhattan College, both of whom supported the model approach strongly.



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2. Central Delaware County Authority - The CDCA objected to their allocated load on the basis that they serve a rapidly growing area, and would be subjected to undue hardship if they had to maintain their allocated maximum load under these conditions. The DRBC indicated that if the expected growth indeed materialized, it would be possible for the CDCA to receive an additional allocation from the reserve. However, this must be the subject of a separate application to the DRBC.
3. Darby Creek Joint Sewerage Authority - The Darby Creek Authority objected to their allocation due to the fact that they serve a rapidly growing area. Their consulting engineer testified as to the difficulty of providing satisfactory treatment, especially since they are scheduled to absorb the load from the Radnor-Haverford-Marple plant, where a serious overload problem now exists. The DRBC presented measured load data from the Darby Creek plant which indicated that the load allocation was much higher than the plant really needed - the Commission suggested that considerable infiltration of ground water could exist in this system.
4. Gulf Oil Company - Withdrew objection.

Further Hearings will be held on January 10 and 20, 1969.  
These are as follows:

1. FMC Corporation
2. Scott Paper Company
3. Atlantic-Richfield Co.
4. National Sugar Co.
5. Publicker Industries, Inc.
6. U. S. Steel Corporation
7. Paterson Paper Parchment Co.
8. Rohm and Haas Co.